

Remarks

Applicants have received and carefully reviewed the Office Action mailed October 2, 2009. Claims 1, 3, 17, 27-29, 31, 33- 37, and 39-41 have been amended and claim 2 has been canceled. Support for the amendments is found in the specification, claims, and drawings as originally filed at, for example, paragraph 36 in the published application. No new matter has been added.

Allowable Subject Matter

Applicants thank the Examiner for indicating claim 2 would be allowable if rewritten in independent form, and that claims 27, 29, 31, 33, 34, and 37 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the elements of claim 2, and the rejections under 35 U.S.C. § 112, second paragraph are believed to have been overcome by amendment. All claims are believed to be in condition for allowance.

Claim Objections

Claims 31 and 33 are objected to as being improperly dependent from a withdrawn claim. Claims 31 and 33 have been amended to depend from claim 29, as suggested by the Examiner. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 3-12, 15-18, 20-27, 29, 31, 33, 34, 37, and 38 are rejected as being indefinite for reciting parenthetical references. Claims 13, 17, and 37 have been amended to include the specific references from the specification. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claim 1 is rejected as being anticipated by Justis et al. (US 6,530,929). Claim 1 has been amended to include elements of claim 2. Justis et al. do not appear to teach or suggest

the specific structure recited in claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claim 38 is rejected as being unpatentable over Justis '929. Claim 38 depends from claim 1, which is believed to be distinguished from Justis. Further, there is no motivation for one of ordinary skill in the art to modify Justis to achieve the claimed structure.

Reconsideration and withdrawal of the rejection are respectfully requested.

Withdrawn Claims

Applicants submit that independent claim 1 is allowable. Claim 1 is generic to the species as set forth in the Office Action mailed March 16, 2009. Applicants hereby request claims 13, 14, 19, 28, 30, 32, 35, and 36 which depend from claim 1, be rejoined and examined.

Process claims 39-41 have been amended to include the elements of device claim 1. For at least the reasons set forth above, claim 1 is believed to be patentable. Applicants hereby request rejoinder of the nonelected process claims.

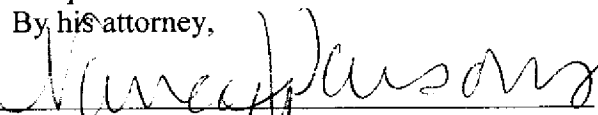
Conclusion

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at (612) 767-4574.

Date: _____

1/4/10

Respectfully submitted,
Joseph AFERZON
By his attorney,



Nancy J. Parsons, Reg. No. 40,364
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-934